

Ordinance No. 2022-07

An ordinance amending the city's Pool and Spa regulations; repealing and replacing section 805 of the Minnetonka City Code

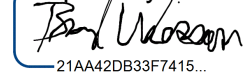
The City of Minnetonka Ordains:

Section 1. Section 805 of the Minnetonka City Code, a copy of which is attached as Exhibit A, is repealed.

Section 2. The Minnetonka City Code is updated by adding a new section 805, in the form of the attached Exhibit B.

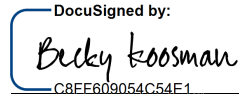
Section 3. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 27, 2022.


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Brad Wiersum, Mayor

Attest:

DocuSigned by:

C8EE609054C54E1

Becky Koosman, City Clerk

Action on this ordinance:

Date of introduction: May 9, 2022

Date of adoption: June 27, 2022

Motion for adoption: Wilburn

Seconded by: Calvert

Voted in favor of: Schaeppi, Coakley, Kirk, Schack, Wilburn, Calvert, Wiersum

Voted against:

Abstained:

Absent:

Ordinance adopted.

Date of publication:

Certified Copy:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on June 27, 2022.

Becky Koosman, City Clerk

EXHIBIT A

SECTION 805. POOLS AND SPAS

805.005. Short Title.

This ordinance will be known as the swimming pool ordinance of the city of Minnetonka.

805.010. Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows.

1. "Swimming pool" means a permanent structure, basin, chamber, or tank containing an artificial body of water for swimming, diving or recreational bathing, more than 75 square feet in area or over 24 inches in depth.
2. "Public swimming pool" means-a swimming pool other than a private single family residential swimming pool, intended to be used collectively by numbers of people for swimming or bathing, regardless of whether a fee is charged for use. Included in this definition are swimming pools located in or adjacent to apartment buildings, condominiums, townhouses and other multiple dwelling residential complexes, public and private schools, public and private recreational sports facilities, and commercial property unless used only for the purpose of sales or display or both.
3. "Private single family residential swimming pool" means a swimming pool that is located on private property zoned and being used for single family residential use and that is being used for swimming or bathing only by the residents of the property or their invited guests.

805.015. Permit; Plans and Specifications

1. A person must not construct, alter or reconstruct a swimming pool without first obtaining a permit from the city to do so. The application for a permit must be on forms prescribed by the city. The application must be accompanied by the permit fee established in chapter 710, two sets of plans and specifications prepared by a registered architect or engineer, and other supporting data that may be required for proper review of the plans.
2. The plans must be drawn to scale, accompanied by sufficient specifications to permit a comprehensive review of the plans, and must include:
 - a. plan and sectional views with all necessary dimensions of both the pool and surrounding area;

b. a piping diagram showing pertinent elevation data and all appurtenances including treatment facilities in sufficient detail to permit a hydraulic analysis of the system; and

c. details on all treatment equipment, including catalog identification of pumps, chlorinators, and related equipment.

3. A permit is valid only for the work and location specified in the permit. A permit authorizes construction of appurtenances to the pool, with the exception of the electrical and gas piping work, which require additional permits.

4. A person must obtain a permit required by this chapter either before or during the day that work starts, or on the next succeeding business day when work starts on a Saturday, Sunday, or holiday. If the person fails to do so, he/she will be required to pay double the fee specified in chapter 710 and will be subject to the penalty provisions of this code.

5. A permit issued expires upon completion of the work or one year from the date of issuance, whichever is sooner. If a permit has expired, it may be renewed for an additional one-year period as long as no changes have been or will be made to the original plans for the work. The fee for renewal is 50 percent of the original permit fee applicable to the work uncompleted

6. A permit may be revoked or worked stopped following the procedure in the city building code.

805.020. Construction Requirements

1. New and existing outdoor swimming pools must be completely enclosed by a fence or wall. Openings or points of entry into the pool area enclosure must be equipped with gates. The wall or fence and gates must be at least 5 feet in height. A fence must be constructed of at least a number eleven gauge woven wire mesh corrosion-resistant material or other materials approved by the building inspector. Gates must be equipped with self-closing and self-latching devices capable of being locked, placed on top of the gate or another place inaccessible to small children. Fence posts must be decay- or corrosion-resistant and must be set in concrete bases or other suitable material. The opening between the bottom of the fence and the ground or other surface may not be more than three inches.

2. Swimming pools must be located on the premises in compliance with the zoning ordinance requirements.

3. A swimming pool and its appurtenances must be located at least 10 feet from an existing portion of a sewage system. The water supply line for a swimming pool must be at least 15 feet from an existing portion of a sewage system.

4. The pool and related facilities must be built in accordance with plans approved by the city, except as otherwise approved by the city. The pool may not be placed in

operation until city inspections show compliance with the requirements of this section and a license has been issued to its operator under this section if required.

805.025. Inspection

A person who does or causes to be done any of the work covered by this section must notify the city at specific predetermined stages of construction and at the time of completion to permit adequate inspection of the pool and related equipment. The city must be notified before any portion of the work is connected with a building, and must be given reasonable time and opportunity to inspect the work before it progresses to a point where it can no longer be inspected. No work may be covered until it has been inspected and accepted by the city inspector. This includes all underground piping conduits, grounding of electrical materials, grounding of mesh in concrete and grounding of pool structure.

805.030. Public Swimming Pools - Licenses.

1. A person wishing to operate a public swimming pool must first make an application to the city, pay the required fee, and receive approval from the city for a license to operate and from the Minnesota department of health for plan review. A license issued expires on December 31 of each year unless otherwise revoked for cause. A license applicant and licensee must comply with this section and applicable Minnesota department of health rules in order to receive and retain a license. A license is valid only for the person to whom it is issued, and no licensee may transfer or attempt to transfer its license to another person.
2. The fee for a license to operate and maintain a public swimming pool is specified in section 710. No fee is required for the operation of a public swimming pool by the city, schools, YMCA, YWCA or another non-profit organization, except those operating pools at multiple dwelling facilities.
3. A license is subject to the requirements of section 700 of this code, except section 700.015(2).

805.035. Public Swimming Pools - Health and Safety.

1. A person having a communicable disease must not be employed or work at a public swimming pool. A person suspected of having an infectious disease must be excluded from the swimming pool and its immediate area including locker or changing rooms.
2. Appropriate facilities must be provided for the safety of bathers as may be required by the city. These include lifesaving equipment, safety devices, lifebuoys, lifehooks, first aid kits, and telephone.
3. A public swimming pool must be under the supervision of the licensee who is responsible for compliance with this section.
4. When the swimming pool is not open for use, access to the pool must be prohibited.

5. No more than the maximum designed bather load may be permitted in a public swimming pool at any time.

805.040. Public Swimming Pools - Operation.

1. The licensee of each public swimming pool must keep a daily record of operational information including disinfectant residuals, pH, maintenance procedures, recirculation, and other data as may be required by the city. This data must be kept on file by the licensee for six months and must be made available for review by the city upon request.

2. The pumps, filter, disinfectant and chemical feeders, and related appurtenances must be kept in operation whenever the public swimming pool is in use and for such additional periods as needed to keep the pool water clear and of satisfactory bacterial quality. For swimming pools having a capacity of 200,000 gallons or more, this equipment must be continually operated during periods of regular use.

3. When any of the following conditions are found, a public swimming pool must be immediately closed when ordered by the city and placarded to indicate that it has been closed:

- a. the proper number of safety equipment units are not provided;
- b. the water clarity is such that a black disc, 6 inches in diameter, is not readily visible when placed on a white field at the deepest point of the pool;
- c. the disinfectant residual is found to be below the acceptable levels established in the Minnesota department of health rules; or
- d. another condition which endangers the health, safety, or welfare of the public.

The pool must remain closed until the conditions are corrected and this has been verified by the city.

805.045. Public Swimming Pools - Inspections.

The city has the right of entry at any reasonable hour to inspect the swimming pool, its related equipment, and the adjacent areas to ensure compliance with all provisions of this section.

805.046. Additional Provisions.

1. The provisions contained in Minn. Stat. section 144.1222, except subdivisions 1 and 1a, and the provisions contained in Minnesota Rules parts 4717.0150 through 4717.3975, including all future revisions of them, are adopted by reference as part of this ordinance.

2. The provisions of Minn. Stat. section 157.20, including all future revisions of them, are adopted by reference as part of this ordinance.

805.050. Installer's License Required.

1. A person must not engage in the business of installing, altering, repairing, or extending a swimming pool, whirlpool, hot tub, or similar recreational or health facilities without first obtaining an installer's license from the city and paying the fee required in section 710.
2. Each license application and license is subject to the requirements of section 700 of this code.

805.055. Drainage.

A person who drains, allows or causes the drainage of water from a public or private pool, including an accumulation of precipitation or runoff, must do so only across the person's own property to the edge of the public street pavement immediately adjacent to the property or to the nearest storm sewer inlet, unless otherwise required or approved by the city engineer. The person who drains a pool must regulate the volume and rate of the discharge to prevent damage to public or private property. Swimming pools operated on a year-round basis may be drained to the public sanitary sewer system if approved by the public works director.

805.060. Enforcement.

The community development director and his/her agents are authorized to enforce the provisions of this chapter.

EXHIBIT B

SECTION 805. POOLS AND SPAS

805.005. Short Title.

This ordinance will be known as the pool and spa ordinance of the city of Minnetonka.

805.010. Definitions.

Unless the context clearly indicates otherwise, certain words are defined for the purpose of this section as follows.

1. "Pool" means any structure, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational use including special purpose pools and wading pools
2. "Public pool" means- any pool other than a private residential pool, that is: (1) open to the public generally, whether for a fee or free of charge; (2) open exclusively to members of an organization and their guests; (3) open to residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; (4) open to patrons of a hotel or lodging or other public accommodation facility; or (5) operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section [245A.14](#), [subdivision 11](#), paragraph (a).
3. "'Private residential pool" means a pool connected with a single-family residence or owner-occupied duplex, located on private property under the control of the homeowner, the use of which is limited to family members or the family's invited guests. A private residential pool is not a pool used as part of a business.

805.015. Permit; Plans and Specifications for Private Residential and Public Pools

1. Private residential pools.

a. A person must not construct, alter or reconstruct a private residential pool without first obtaining a permit from the city to do so. The application for a permit must be on forms prescribed by the city. The application must be accompanied by the permit fee established in chapter 710 with plans and other supporting data that may be required for proper review of the plans.

b. The plans must be drawn to scale, accompanied by sufficient specifications to permit a comprehensive review of the plans, and must include:

(1). The construction site plan must be provided on a survey, showing size and location of new pool, existing structures onsite, and distances from lot lines and according to the state building code.

(2). a piping diagram showing pertinent elevation data and all appurtenances including treatment facilities in sufficient detail to permit a hydraulic analysis of the system; and

(3). details on all treatment equipment, including catalog identification of pumps, chlorinators, and related equipment.

c. A permit is valid only for the work and location specified in the permit. A permit authorizes construction of appurtenances to the pool, with the exception of the electrical and gas piping work, which require additional permits.

d. If work for which a permit is required by the code has commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for the work according to the state building code.

e. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned according to the state building code.

f. A permit may be revoked or worked stopped following the procedure in the state building code.

2. Public Pools.

a. Plans for public pools must be submitted to and approved by the Minnesota Department of Health as specified in Minnesota Rules part 4717.0450 and amendments thereto.

(1) The plans and specifications for public pools must be approved by the Minnetonka zoning and building officials. A survey showing proper setbacks, easements, pool placement, equipment placement, fence location, deck location, impervious surface coverage of the lot, and location of overhead electrical wires;

(2) The proposed equipment types, manufacturers, model numbers, dimensions, performance capabilities and installation specifications; and

(3) Fencing plan including type, material, height, gate location and latching mechanism, as defined in Minnesota Rules 4717.

805.020. Construction Requirements

1. Private residential pools.

a. New and existing outdoor private residential pools, containing water more than 24 inches in depth, must be completely enclosed by a fence or barrier that complies with Section 303.2 of the International Property Maintenance Code.. Openings or points of entry into the pool area enclosure must be equipped with gates. The wall or fence and gates must be at least 5 feet in height. A fence must be constructed of at least a number eleven gauge woven wire mesh corrosion-resistant material or other materials approved by the building inspector. Gates must be equipped with self-closing and self-latching devices capable of being locked, placed on top of the gate or another place inaccessible to small children. Fence posts must be decay- or corrosion-resistant and must be set in concrete bases or other suitable material. The opening between the bottom of the fence and the ground or other surface may not be more than three inches. As an alternative, the building official may approve an alternative latching system for spas, hot tubs, whirlpools, or other covered pools that comply with ASTM Standard F1346 for safety.

b. Pools must be located on the premises in compliance with the zoning ordinance requirements.

c. A pool and its appurtenances must be located at least 10 feet from an existing portion of a sewage system. The water supply line for a pool must be at least 15 feet from an existing portion of a sewage system.

d. The pool and related facilities must be built in accordance with plans approved by the city, except as otherwise approved by the city. The pool may not be placed in operation until city inspections show compliance with the requirements of this section.

805.025. Inspection.

A person who does or causes to be done any of the work covered by this section must notify the city at specific predetermined stages of construction and at the time of completion to permit adequate inspection of the pool and related equipment. The city must be notified before any portion of the work is connected with a building, and must be given reasonable time and opportunity to inspect the work before it progresses to a point where it can no longer be inspected. No work may be covered until it has been inspected and accepted by the city inspector. This includes all underground piping conduits, grounding of electrical materials, grounding of mesh in concrete and grounding of pool structure in addition to any additional requirements listed in the state building code.

805.030. Public Pools - Licenses.

1. A person wishing to operate a public pool must obtain approval from the Minnesota Department of Health for plan review. Submit the license, application, required fee, and receive approval from the city for a license to operate. A license issued expires on December 31 of each year unless otherwise revoked for cause. A license must be applied for annually. A license applicant and licensee must comply with this section and applicable Minnesota Department of Health rules in order to receive and retain a license. A license is valid only for the person or entity to whom it is issued, and no licensee may transfer or attempt to transfer its license to another person or entity.

2. The fee for a license to operate and maintain a public pool is specified in section 710. No fee is required for the operation of a public pool by the city, schools, or non-profit organizations, except those operating pools at multiple dwelling facilities.
3. A license is subject to the requirements of section 700 of this code, except section 700.015(2).
4. A separate license must be obtained for each pool and water recirculation system as defined in Minnesota Rules part 4717.2550 and amendments thereto.

805.040. Public Pools - Operation.

1. When any of the following conditions are found, a public pool must be immediately closed and access restricted:
 - a. closure criteria per Minnesota Rules 7417.3970 or amendments thereto;
 - b. failure to possess a license as required by this section 805; or
 - c. another condition which endangers the health, safety, or welfare of the public, as determined by the health authority.

The pool must remain closed and access restricted until the conditions are corrected and this has been verified by the health authority.

805.045. Public Pools - Inspections.

The city has the right of entry at any reasonable hour to inspect a public pool, its related equipment, and the adjacent areas to ensure compliance with all provisions of this section.

805.046. Additional Provisions.

1. The provisions contained in Minn. Stat. section 144.1222, , and the provisions contained in Minnesota Rules parts 4717.0150 through 4717.3970, except 4717.0450, including all future revisions of them, are adopted by reference as part of this ordinance.
2. The provisions of Minn. Stat. section 157.20, including all future revisions of them, are adopted by reference as part of this ordinance.

805.055. Drainage.

A person who drains, allows or causes the drainage of water from a public or private pool, including an accumulation of precipitation or runoff, must do so only across the

person's own property to the edge of the public street pavement immediately adjacent to the property or to the nearest storm sewer inlet, unless otherwise required or approved by the city engineer. The person who drains a pool must regulate the volume and rate of the discharge to prevent damage to public or private property. Swimming pools operated on a year-round basis may be drained to the public sanitary sewer system if approved by the public works director.

805.060. Enforcement.

The community development director and delegate(s) are authorized to enforce the provisions of this section.